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**PATENT APPLICATION TRANSMITTAL LETTER**  
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Docket No.  
INTL-0473-US (P10020)

TO THE ASSISTANT COMMISSIONER FOR PATENTS

Transmitted herewith for filing under 35 U.S.C. 111 and 37 C.F.R. 1.53 is the patent application of:

**ROIS O. CORDOVA**

For: **PEER TO PEER SOFTWARE DISTRIBUTION SYSTEM**

Enclosed are:

- Certificate of Mailing with Express Mail Mailing Label No. EL661130601US
- Three (3) sheets of drawings.
- A certified copy of a application.
- Declaration       Signed.       Unsigned.
- Power of Attorney
- Information Disclosure Statement
- Preliminary Amendment
- Other: Recordation Form Cover Sheet; Assignment and check for \$40.

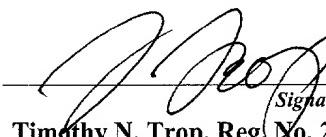
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**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	25	- 20 =	5	x \$18.00	\$90.00
Indep. Claims	3	- 3 =	0	x \$78.00	\$0.00
Multiple Dependent Claims (check if applicable)	<input type="checkbox"/>				\$0.00
				BASIC FEE	\$690.00
				TOTAL FILING FEE	\$780.00

- A check in the amount of \$780.00 to cover the filing fee is enclosed.
- The Commissioner is hereby authorized to charge and credit Deposit Account No. 20-1504 as described below. A duplicate copy of this sheet is enclosed.
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  - Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: October 4, 2000

  
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PATENT AND TRADEMARK OFFICE

APPLICATION  
FOR  
UNITED STATES LETTERS PATENT

**TITLE:** PEER TO PEER SOFTWARE DISTRIBUTION  
SYSTEM

**INVENTOR:** ROIS O. CORDOVA

Express Mail No. EL661130601US

Date: October 4, 2000

PEER TO PEER SOFTWARE DISTRIBUTION SYSTEM

Background

This invention relates generally to the distribution of software to processor-based systems.

- 5        Software may be distributed from a server to a variety of client processor-based systems. Conventionally, software packages may be periodically sent to a large number of processor-based systems within a network. For example, software updates, new software, application
- 10      updates, and operating system updates may be distributed from a server to a large number of clients. In distributed networks, it may be necessary to implement an automated system that distributes software to a large number of clients.
- 15      Distributing software updates to large numbers of clients connected over a network may dramatically tax server resources. The time and resources devoted to distributing the software to a number of clients may dramatically increase the cost of the software update process. This is particular so when many of the clients may be accessible through relatively low speed connections. For example, with set-top boxes that are basically processor-based systems that use television receivers as displays, relatively lower power processor-based systems

may be provided with limited bandwidth Internet connections. The software download speed may be relatively slow. As a result, the server may be taxed with slow downloads to a relatively large number of processor-based systems.

Thus, there is a need for better ways to distribute software to a large number of processor-based systems.

#### Brief Description of the Drawings

Figure 1 is a schematic depiction of one embodiment of the present invention;

Figure 2 is a flow chart for software utilized by the network management server shown in Figure 1 in accordance with one embodiment of the present invention; and

Figure 3 is a flow chart for software utilized by the clients shown in Figure 1 in accordance with one embodiment of the present invention.

#### Detailed Description

Referring to Figure 1, a software distribution system may involve the distribution of software from a network management server 12 to a large number of clients 14 and 16. Each client 14 or 16 may be a processor-based system such as a desktop computer, a set-top box, a processor-based appliance or other processor-based systems. While the embodiment shown in Figure 1 includes six clients for

illustration purposes, a very large number of clients may receive software through the system 10.

In one embodiment of the present invention, a binary tree software distribution system may be utilized.

- 5 Initially, the network management server (NMS) 12 distributes a software package together with a list of addressees to the client 14a, over the path 12a, and the client 14b over the path 12b. Each of the clients 14 in a first tier of clients then authenticates the package by
- 10 providing a message back to the server 12 over a back or alternate channel 17 for example. The authentication process assures that only authorized software has been distributed to the client 14 and prevents an outside entity from attempting to disrupt the system 10.
- 15 Each client 14 may then distribute the received software to two clients 16 such as the client 16a and 16b in the case of client 14a or the clients 16c and 16d in the case of the client 14b. Each of the clients 16 in turn authenticates the software through the channel 17.
- 20 Thereafter, each of the clients 16 may in turn distribute the software to additional clients (not shown).

In this way, software may be distributed to clients that install the software and then distribute a copy of the software, together with a list of addressees, to two additional clients. Each time a software receiving client 14 or 16 may delete its identifier from the list of

addressees, in one embodiment, so that the software is not repeatedly distributed to the same clients.

The addressee list may also be parseable. The list provided to the client 14a may be half of the original list and the list provided to the client 14b may be the other half of the original list. The client 14a may then parse the list in half again and provide half of the list to the client 16a and half the list to client 16b. Alternatively, the list may be pre-parsed into a plurality of sections, as received.

Each upstream, software distributing server or client identifies a receiving client to receive the software package by taking the next name on the list of addressees, in one embodiment. Thus, each client 14 or 16 may remove its own identifier from the list after receiving the list from an upstream source. Each client 14 or 16 then directs the software package and the list of addressees to the next client on the list. In this way, the software package, together with the addressee list, may be progressively distributed to every client in the network.

Because of the distributed or peer to peer nature of the software distribution system, the demands on the network management server 12 are reduced. The relatively longer time frame involved in downloading the software package is offloaded to the clients 14 and 16. The server

12 may merely provide the needed authentication to the ultimate package recipients.

The authentication may be implemented by causing a client 14 or 16 to provide an authentication code back to 5 the server 12, in one embodiment. If the authentication code is correct, the server 12 acknowledges that a bona fide software package was received.

In some cases, the authentication code may be successively encrypted. The code may also be modified in a 10 known or predetermined fashion by each successive client to avoid theft by unauthorized parties. For example, a rolling code scheme may be used. The package may also be accompanied by a checksum to ensure the package was received correctly.

15 While a system 10 is illustrated in which each source provides a software package in a binary tree to two ensuing clients, a variety of other distribution techniques may be utilized. The number of clients that receive software from an upstream client is essentially unlimited. To the extent 20 that the number is increased, the load on a particular upstream client software distributor is increased. Eventually, the software distribution load may be noticeable by the involved client's user. Therefore, it may be advantageous to limit the number of clients to which 25 any one client distributes the software package.

The software for enabling the distribution of software packages may, in one embodiment of the present invention, be preloaded on each client 14 or 16. In one case, the entire system 10 is managed by a service provider that

5 controls the hardware and software provided on each client 14 or 16. Thus, the clients 14 and 16 may be provided with the necessary hardware and software (in addition to the software agents that are capable of automatically distributing the software).

10 In some embodiments of the present invention, when a software package is received, it may be immediately loaded if client resources are available to implement the loading routine. In some embodiments of the present invention, a client 14 or 16 may wait until a period of inactivity in

15 order to distribute the software to additional clients.

For example, by monitoring the client's Advanced Configuration and Power Interface (ACPI) power states, such as the processor power states, the client 14 or 16 may determine an advantageous, low activity time to distribute the software. In this way the software distribution is less noticeable and disruptive to the sending client's owner or user. See ACPI Specification, Revision 1.0, December 22, 1996. In another embodiment of the present invention, the software distribution may be programmed to occur at night. As still another embodiment of the present

invention, the transfer time may be selectable by the client's user or owner.

In one embodiment of the present invention, the software package may include the software for the receiving client 14 or 16 as well as the software that enables the receiving client, in turn, to distribute the software to ensuing addressees on the list of addresses. In such case, not only does the client 14 or 16 receive a software package such as a software update, it also receives the software to perpetuate the software distribution system.

In one embodiment of the present invention, the software distribution software may be extinguished from the client after being executed.

Turning next to Figure 2, the network management server 12 software 34 for distributing the software packages may be stored on a storage device 18. Initially, the software 34 receives a software package together with a list of client addresses as indicated at block 36. These addresses may be in a form recognized by the network, such as Transmission Control Protocol (TCP)/Internet Protocol (IP) ports and addresses as one example. The software package and the addressee list is then transported to some number of clients such as the clients 14a and 14b as illustrated in block 38. At diamond 40, the server 12 awaits an authentication request from each of the clients 14. When the authentication request is received, if the

appropriate code is provided, the software package is authenticated, for example by sending an acknowledgement, as indicated in block 42. After the required number of client addressees have received their authentication, the  
5 flow may end.

In some embodiments, each client 14 or 16 may notify the server 12 that software was successfully installed on the client 14 or 16. The server 12 may then monitor the amount of time that elapses without receiving a successful  
10 installation notification. If the amount of time becomes excessive, the server may check to determine if there is a problem with software installation on a particular client 14 or 16. If there is a problem, the server 12 may intervene to facilitate the installation of software on the  
15 client with the problem and on other clients 14 or 16 that may ultimately encounter problems.

Referring next to Figure 3, the client software 44 may be stored on a storage 20 associated with a client 14 or 16. The software 44 is responsible for handling the  
20 software package received from an upstream source and distributing the software to one or more downstream receiving clients. Initially, the software package and the addressee list is received by a given client as indicated in block 46. The client authenticates the software with  
25 the network management server 12, as indicated in block 48.

The software package may then be installed on the client as indicated in block 50. Thereafter, the software package is distributed to the next name on the list of addressees as indicated in block 52. In addition, in some 5 embodiments, the client 44 may remove its name from the list of addressees. In the case where a sending client provides the addressee list to two receiving clients, the sending client may split the list into two and provide half the list to each of the two receiving clients.

10 While the present invention has been described with respect to a limited number of embodiments, those skilled in the art will appreciate numerous modifications and variations therefrom. It is intended that the appended claims cover all such modifications and variations as fall 15 within the true spirit and scope of this present invention.

What is claimed is:

1       1. A method comprising:  
2                  forwarding a software package together with a  
3 list of addressees to a first processor-based system; and  
4                  enabling said first processor-based system to  
5 automatically forward said software package together with  
6 at least part of said list of addressees to a second  
7 processor-based system, said second processor-based system  
8 being on said list of addressees.

1       2. The method of claim 1 including enabling said  
2 first processor-based system to install said software  
3 package on said first processor-based system, make a copy  
4 of said software package, and transmit said software  
5 package to said second processor-based system.

1       3. The method of claim 2 including causing said  
2 first processor-based system to automatically authenticate  
3 said software package.

1       4. The method of claim 3 including causing said  
2 second processor-based system to automatically authenticate  
3 said software package by sending a message to said first  
4 processor-based system.

1       5. The method of claim 4 including forwarding said  
2 software package together with a checksum to enable the

3 second processor-based system to confirm with the first  
4 processor-based system that the software package was  
5 received correctly.

1       6. The method of claim 1 including causing said  
2 first processor-based system forwards said software package  
3 to said second and a third processor-based system.

1       7. The method of claim 1 including encrypting the  
2 software package for transmission between said first and  
3 second processor-based systems.

1       8. The method of claim 7 including changing the  
2 encryption in a known fashion with each successive transfer  
3 from one to the next processor-based system.

1       9. The method of claim 1 including transferring said  
2 software package together with software that enables said  
3 second processor-based system to transfer said software  
4 package to a third processor-based system.

1       10. The method of claim 1 including enabling said  
2 first processor-based system to forward said software  
3 package to said second processor-based system during a low  
4 activity time on said first processor-based system.

1       11. An article comprising a medium storing  
2 instructions that enable a processor-based system to:  
3                  forward a software package together with a list  
4 of addressees to a first processor-based system; and  
5                  enable said first processor-based system to  
6 automatically forward said software package together with  
7 at least part of said list of addressees to a second  
8 processor-based system, said second processor-based system  
9 being on said list of addressees.

1       12. The article of claim 11 further storing  
2 instructions that enable the processor-based system to  
3 install said software package, make a copy of said software  
4 package, and transmit said package to a first processor-  
5 based system.

1       13. The article of claim 12 further storing  
2 instructions that enable the processor-based system to  
3 cause said first processor-based system to automatically  
4 authenticate said software package.

1       14. The article of claim 13 further storing  
2 instructions that enable the processor-based system to  
3 cause said second processor-based system to automatically  
4 authenticate said software package by sending a message to  
5 said first processor-based system.

1       15. The article of claim 14 further storing  
2 instructions that enable said processor-based system to  
3 forward said software package together with a checksum to  
4 enable the first processor-based system to confirm that the  
5 software package was received correctly.

1       16. The article of claim 11 further storing  
2 instructions that enable the processor-based system to  
3 enable said first processor-based system to forward said  
4 software package to a second and third processor-based  
5 system.

1       17. The article of claim 11 further storing  
2 instructions that enable the processor-based system to  
3 encrypt the software package for transmission.

1       18. The article of claim 17 further storing  
2 instructions that enable the processor-based system to  
3 enable said second processor-based system to change the  
4 encryption in a known fashion.

1       19. The article of claim 11 further storing  
2 instructions that enable the processor-based system to  
3 transfer said software package together with software that

4 enables said first processor-based system to transfer said  
5 software package to said second processor-based system.

1       20. The article of claim 11 further storing  
2 instructions that enable the processor-based system to  
3 enable said first processor-based system to forward said  
4 software package to a second processor-based system during  
5 a low activity time on the first processor-based system.

1       21. A system comprising:  
2              a processor-based device;  
3              a storage coupled to said processor-based device  
4 storing instructions that enable the processor-based device  
5 to forward a software package together with a list of  
6 addressees to a first processor-based system and enable the  
7 first processor-based system to automatically forward said  
8 software package together with at least part of said list  
9 of addressees to a second processor-based system, the  
10 second processor-based system being on the list of  
11 addressees.

1       22. The system of claim 21 wherein said device is a  
2 server.

1       23. The system of claim 22 wherein said server is a  
2 network management server.

1           24. The system of claim 21 wherein said device is a  
2 client.

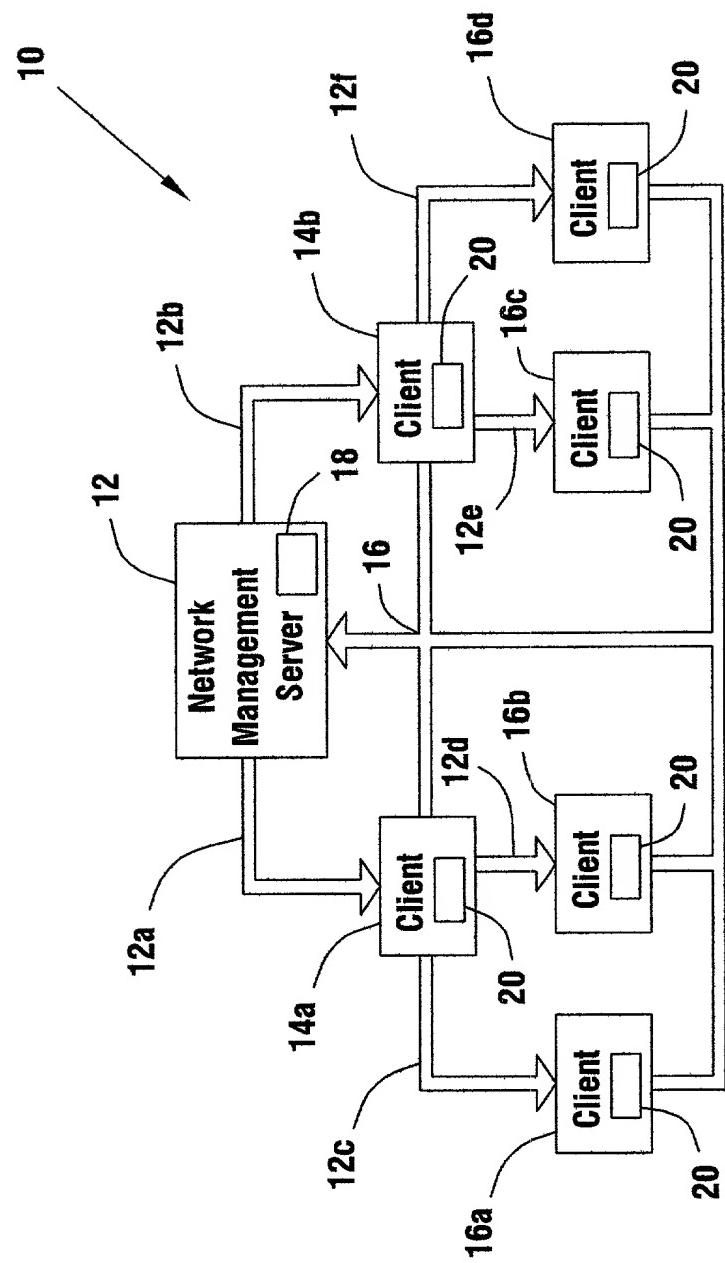
1           25. The system of claim 21 wherein said storage  
2 stores instructions to automatically transfer the software  
3 package, the list of addressees, and software to enable  
4 further distribution of the software package to additional  
5 processor-based systems.

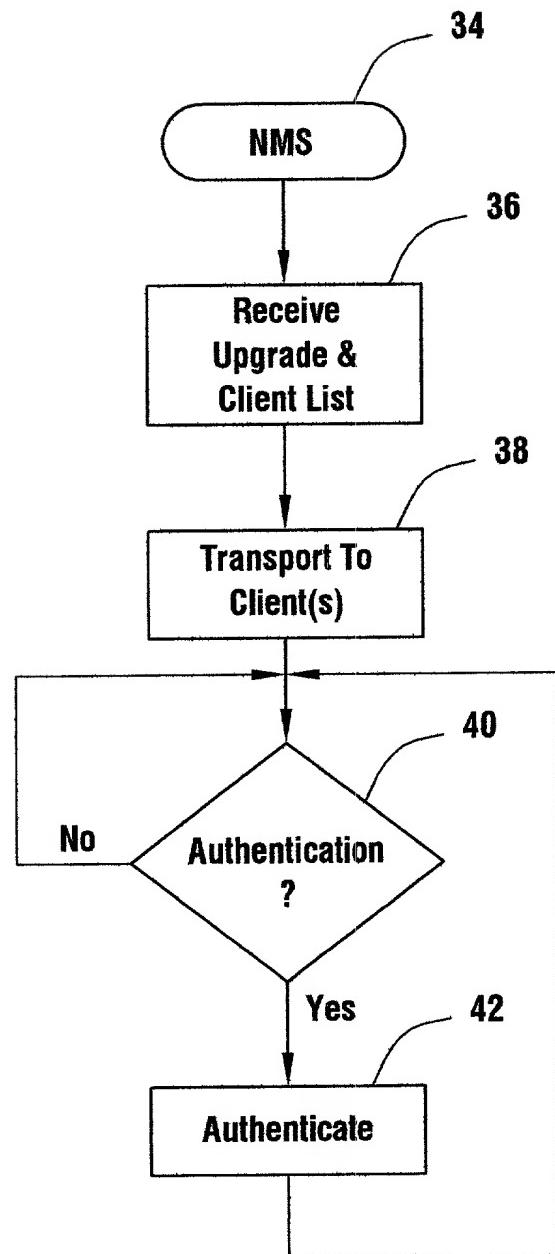
PEER TO PEER SOFTWARE DISTRIBUTION SYSTEM

Abstract of the Disclosure

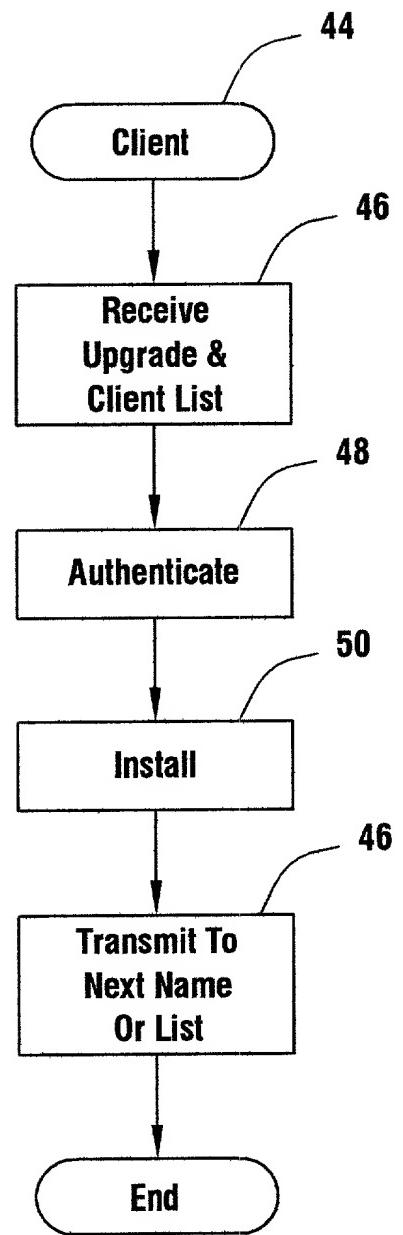
Software packages may be distributed to a plurality of clients in a network by initially distributing the software from a server to one or more clients. Those clients may then be enabled to forward the software package on to other clients contained in a list of addressee clients. Each client that receives the software package may then be called upon, in turn, to forward the software package to additional clients on the list. In this way, the load on the network management server, related to the distribution of software to a large number of clients in a network, may be reduced.

**FIG. 1**





**FIG. 2**



**FIG. 3**

**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**PEER TO PEER SOFTWARE DISTRIBUTION SYSTEM**

the specification of which

X

is attached hereto.  
 was filed on \_\_\_\_\_ as  
 United States Application Number \_\_\_\_\_  
 or PCT International Application Number \_\_\_\_\_  
 and was amended on \_\_\_\_\_  
 (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above. I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, and that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (for a utility patent application) or six months (for a design patent application) prior to this application.

I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s):</u>			<u>Priority Claimed</u>	
<u>Number</u>	<u>(Country)</u>	<u>(Day/Month/Year Filed)</u>	<u>Yes</u>	<u>No</u>
<u>Number</u>	<u>(Country)</u>	<u>(Day/Month/Year Filed)</u>	<u>Yes</u>	<u>No</u>
<u>Number</u>	<u>(Country)</u>	<u>(Day/Month/Year Filed)</u>	<u>Yes</u>	<u>No</u>

I hereby claim the benefit under title 35, United States Code, Section 119(e) of the United States provisional application(s) listed below:

(Application Number)	(Filing Date)
(Application Number)	(Filing Date)

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

(Application Number)	Filing Date	(Status-patented, pending, abandoned)
(Application Number)	Filing Date	(Status-patented, pending, abandoned)

I hereby appoint Timothy N. Trop, Reg. No. 28,994; Fred G. Pruner, Jr., Reg. No. 40,779 and Dan C. Hu, Reg. No. 40,025 my patent attorneys, of TROP, PRUNER & HU, P.C., with offices located at 8554 Katy Freeway, Ste. 100, Houston, TX 77024, telephone (713) 468-8880, and Mirho, Charles A.; Registration No. 41,199; Novakoski, Leo V.; Registration No. 37,198; Reynolds, Thomas C.; Registration No. 32,488; Seddon, Kenneth M.; Registration No. 43,105; Seeley, Mark; Registration No. 32,299; Skabrat, Steven P.; Registration No. 36,279; Skaist, Howard A.; Registration No. 36,008; Su, Gene I.; Registration No. 45,140; Wells, Calvin E.; Registration No. 43,256; Werner, Raymond J.; Registration No. 34,752; Winkle, Robert G.; Registration No. 37,474; and Young, Charles K.; Registration No. 39,435 my patent attorneys, of INTEL CORPORATION with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

Send correspondence to Timothy N. Trop, TROP, PRUNER & HU, P.C., 8554 Katy Freeway, Ste. 100, Houston, TX 77024 and direct telephone calls to Timothy N. Trop, (713) 468-8880.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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